

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

<p>GEORGE CATALANO, on behalf of himself and all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>BMW OF NORTH AMERICA, LLC, a New Jersey limited liability company, and BAYERISCHE MOTOREN WERKE AKTIENGESELLSCHAFT, a corporation organized under the laws of the Federal Republic of Germany,</p> <p style="text-align: center;">Defendants.</p>	<p>Civil Action No. 1:15-cv-04889</p> <p style="text-align: center;">DEFENDANTS’ NOTICE OF MOTION TO DISMISS PLAINTIFF’S SECOND AMENDED CLASS ACTION COMPLAINT PURSUANT TO FED. R. CIV. P. 12(b)(2) AND FED. R. CIV. P. 12(b)(6)</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

PLEASE TAKE NOTICE that on such date and time as the Court shall determine, defendants, BMW of North America, LLC and Bayerische Motoren Werke Aktiengesellschaft (the “BMW Defendants”) will move before the Honorable Katherine B. Forrest, United States District Judge, at the Daniel P. Moynihan United States Courthouse, 500 Pearl Street, Courtroom 15A, New York, New York 10007-1312, for an Order, (1) dismissing Bayerische Motoren Werke Aktiengesellschaft, pursuant to Fed. R. Civ. P. 12(b)(2); and (2) dismissing the Second Amended Complaint as to the BMW Defendants pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim.

PLEASE TAKE FURTHER NOTICE that in support of this motion, movants will rely upon the accompanying Brief in Support of Motion.

s/ Rosemary J. Bruno

s/ Christopher J. Dalton

Rosemary J. Bruno, Esq.

Christopher J. Dalton, Esq.

Lauren A. Woods, Esq.

BUCHANAN INGERSOLL & ROONEY, P.C.

50 Broad Street, Suite 810

Newark, New Jersey 07102

Attorneys for Defendants

BMW of North America, LLC and

Bayerische Motoren Werke Aktiengesellschaft

Dated: April 29, 2016

CERTIFICATE OF SERVICE

On this date, I caused a copy of the foregoing Notice of Motion and the accompanying

Memorandum of Law to be served via the Court's CM/ECF system upon:

Joseph R. Santoli, Esq.

Law Offices of Joseph R. Santoli

340 Devon Court

Ridgewood, New Jersey 07450-1810

Attorneys for Plaintiff

s/ Christopher J. Dalton

Christopher J. Dalton

Newark, New Jersey

April 29, 2016